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IPN

500.39242X00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: T. KAWABE, et al

Serial No.: 09/698,260

Filed: October 30, 2000

For: METHOD AND APPARATUS FOR EDITING IMAGE DATA AND  
COMPUTER PROGRAM PRODUCT OF EDITING IMAGE DATA

Group: 2179

Examiner: S. M. Hanne

**PETITION FOR WITHDRAWAL OF FINALITY OF FIRST OFFICE  
ACTION AFTER A RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 20, 2005

Sir:

Receipt is acknowledged of an Office Action dated November 30, 2005 in connection with the above-identified application. Upon review of the Office Action by the applicant, it has been determined that the finality of the November 30, 2005 Office Action should be withdrawn being that this is the first Office Action on the merits subsequent to an Office Action setting forth a restriction requirement. The claims (31, 32, 35 and 36) elected by the September 9, 2005 Response to Restriction Requirement have never received an Office Action examining them on the merits.

Thus, finality of the November 30, 2005 Office Action is premature since the issues have not been sufficiently developed to permit appeal particularly with respect to claims 31, 32 and 36.

Accordingly, it is respectfully requested that the finality of the November 30, 2005 Office Action be withdrawn.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. section 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 500.39242X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Brundidge', written over a horizontal line.

703/684-1120  
CIB/jdc/nac

Carl I. Brundidge  
Registration No. 29,621  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.